

REMARKS/ARGUMENTS

Claims 1-19 are pending in this application, of which claims 1 and 15 are independent. Claims 1-3, 6-9, 11, 12, 14, 15, 17, 19 are amended. Claim 5 is canceled without prejudice to or disclaimer of the subject matter recited therein, as a variation of the subject matter previously recited in claim 5 has been incorporated into claim 1.

The courtesies extended to Applicant's representative by Examiner Matar at the interview held on August 20, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

CLAIM OBJECTIONS

In section 3 on page 3, the Office Action objects to claims 9 and 12 for failure to spell out the abbreviation "CRC." By way of this Amendment, Applicant modifies each occurrence of "CRC" to "Cyclic Redundancy Check." Accordingly, Applicant respectfully requests that the objection to claims 9 and 12 be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 103

In section 4 on pages 3-5, the Office Action rejects claims 1, 5-8, and 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,208,627 to

Menon et al. ("Menon") in view of U.S. Patent Number 6,788,933 to Boehmke et.al. ("Boehmke"). Applicant respectfully traverses this rejection.

Claim 1, as amended, recites "formulating an identifier for said first failure log by inputting at least one field from said failure log into a formulation function, wherein said at least one field is selected based on said failure type" (emphasis added). Claim 15, as amended, contains a similar recitation. The subject matter added to these claims finds support in the specification in, for example, Figure 3 and paragraphs [0036] and [0041] of the originally filed specification.

This subject matter relates to a method and corresponding device that enables generation of an identifier for a failure log using a number of fields selected based on the type of failure. For example, as described in paragraph [0036], for failed active calls, the log ID formulation unit may inspect the failure reason and failure point to generate the identifier. In contrast, for failed call attempts, the log ID formulation unit may inspect the failure reason, calling party, and called party to generate the identifier. Id.

By generating an identifier with fields selected using the failure type, the method and device recited in claims 1 and 15 provide significant advantages. In particular, the use of an identifier eliminates the need to create duplicate records for failures that occurred for the same reason. Instead, for duplicate records, the original record may simply be updated without creating a new record. Configuring

the formulation unit to generate identifiers using at least one field selected based on the failure type ensures that the identifiers are accurately generated.

As correctly conceded by the Office Action on page 4, Menon and Boehmke “do not explicitly teach formulating an identifier for the failure based on the failure type.” Thus, by virtue of their failure to disclose generation of an identifier based on a failure type, Menon and Boehmke also fail to disclose, teach, or suggest “formulating an identifier for said first failure log by inputting at least one field from said failure log into a formulation function, wherein said at least one field is selected based on said failure type,” as recited in claim 1 and similarly recited in claim 15.

In an attempt to remedy the deficiencies of Menon and Boehmke, the Office Action takes Official Notice that it is “old and well known” to formulate an identifier based on the failure type. In particular, the Examiner alleges that “it is old and well known that, once data is collected, configuring, manipulating the data or placing the data (e.g., data about failures) in different categories based, for example, on the type of failure would simply offer the user the ability to analyze and identify different types of failures and to respond accordingly.” Thus, the Office Action essentially alleges that the subject matter in question relates to categorizing data to offer the ability to analyze different types of failures.

Applicant respectfully traverses the taking of Official Notice with respect to the subject matter recited in independent claims 1 and 15. The recited subject

matter goes beyond mere categorization, as it formulates an identifier using fields selected based on the failure type. As described further above and in paragraph [0037] of the specification as filed, the formulation of an identifier eliminates duplicate entries and minimizes space used for the log. Furthermore, using fields selected based on the type of failure ensures the accuracy of the calculation. In contrast, a system that merely categorizes data would not allow for these additional benefits. Thus, Applicant respectfully submits that the subject matter discussed above is not "old and well known."

As detailed in MPEP § 2144.03, "If applicant adequately traverses the examiner's assertion of official notice, the Examiner must provide documentary evidence in the next Office Action if the rejection is to be maintained." Furthermore, "if the Examiner is relying on personal knowledge to support the finding of what is known in the art, the Examiner must provide an affidavit or declaration setting forth specific factual statements and an explanation to support the finding." Thus, in the event that the taking of Official Notice is maintained in a subsequent Office Action, Applicant respectfully requests that the Office Action provide documentary evidence supporting its assertions.

For at least the foregoing reasons, Applicant respectfully requests that the rejection of claims 1, 5-8, and 15 under 35 U.S.C. § 103 be withdrawn.

In section 5 on pages 5-6, the Office Action rejects claim 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menon in view of Boehmke and further

in view of U.S. Patent No. 7,165,076 to Bentley. In section 6 on pages 6-7, the Office Action rejects claims 2-4, 10-11, 14, and 16-19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menon in view of Boehmke and further in view of U.S. Patent No. 6,170,067 to Liu. In section 7 on page 8, the Office Action rejects claims 12 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Menon in view of Boehmke, further in view of Liu, and still further in view of Bentley.

Claims 2-4 and 9-14 depend from allowable claim 1, while claims 16-19 depend from allowable claim 15. Bentley and Liu fail to remedy the deficiencies in Menon and Boehmke described above in connection with the rejection of claims 1 and 15. Claims 2-4, 9-14, and 16-19 are therefore allowable based at least on their respective dependencies. Accordingly, Applicant respectfully requests that the rejection of claims 2-4, 9-14, and 16-19 under 35 U.S.C. § 103 be withdrawn.

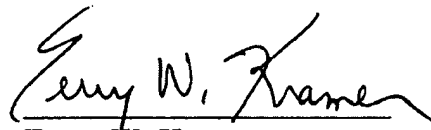
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

Date: September 11, 2008


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